IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2007

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THE HONOURABLE MR. JUSTICE K.MOHAN RAM

Crl.O.P.No.31052 of 2007

and
M.P.NO.1 OF 2007

Palani @ K.Subramani ... Petitioner

Vs

State represented by
Sub-Inspector of Police,
Karumalaikoodal Police Station,
Karumalaikoodal,
Mettur Taluk,
Salem District. ... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records of the FIR in Crime No.277 of 2007 dated 26.9.2007 on the file of respondent police and quash the same as illegal.

For Petitioner : Mr.T.M.Ramalingam

For Respondent : Mr.Hasan Mohamed Jinnah
Government Advocate(Crl.Side)

O R D E R

The petitioner is accused in Crime No.277 of 2007 on the file of the respondent and a case has been registered for the alleged offences punishable under Sections 171(d),416 and 420 of IPC.

2. This petition has been filed praying to quash the First Information Report on the ground that the complaint is false and motivated; First Information Report does not contain the ingredients of the offence of impersonation; the family members of the petitioner called him as Palani, though his name is mentioned as K.Subramani in the records. Because of the above said reasons, he has used his name as Palani in Ration Card and Voter ID card.

3. Heard the learned counsel for the petitioner.

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4. Learned counsel for the petitioner reiterated the above contentions put forth in the petition. He would further submit that the the Tahsildar, Mettur Taluk has issued a certificate in his proceedings No. Mu.Mu.10647/2007(Aa.4) dated 26.9.2007 certifying that the petitioner is known as Palani as well as I.K.Subramani. Placing reliance on the above said certificate issued by the Tahsildar, Mettur Taluk, learned counsel for the petitioner would submit that no offence has been committed by the petitioner.

5. I have carefully considered the submissions made by the learned counsel for the petitioner.

6. A perusal of the First Information Report in Crime No.277 of 2007 shows that necessary ingredients constituting the offences under Sections 171(d),416 and 420 of IPC are there. Therefore, the contention of the learned counsel for the petitioner is liable to be rejected and accordingly rejected. Whether the complaint was lodged against the petitioner due to any personal motive or not, cannot be gone into at this stage and it is a matter for evidence and such evidence has to be adduced only at the time of trial. Similarly, the certificate issued by the Tahsildar,Mettur Taluk cannot also be looked into, because that has to be produced only at the time of trial and its trustworthiness has to be decided only during trial.

7. In a decision reported in 2004 Supreme Court Cases (Cri) 353 in State of M.P. Vs. Awadh Kishore Gupta and Others, it has been held that the annexures to the petition under Section 482 Cr.P.C. cannot be termed as evidence without being tested and proved. If the said ratio is applied to the facts of the present case, the certificate issued by the Tahsildar, Mettur Taluk cannot be looked into now. It is open to the petitioner to produce the said certificate during the course of trial and prove his innocence.

8. The above Criminal Original petition is devoid of merit and the same is dismissed. Consequently, MP.1 of 2007 is closed.

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Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

VJY

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To

1. Sub-Inspector of Police,
   Karumalaikoodal Police Station,
   Karumalaikoodal,
   Mettur Taluk,
   Salem District.

2. The Public prosecutor,
   High Court , Madras.

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